S T A T E   O F   N E W   Y O R K

1350

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to the reporting of tax information by certain corporations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The tax law is amended by adding a new section 8-a to read as follows:

S 8-A. REPORTING OF TAX INFORMATION BY CORPORATIONS. 1. EACH CORPORATION OBLIGATED TO FILE A CORPORATE FRANCHISE TAX RETURN PURSUANT TO ARTICLE NINE-A OF THIS CHAPTER (OR, IN THE CASE OF A CORPORATION EXEMPTED FROM THE ARTICLE NINE-A TAX PURSUANT TO SUBDIVISION FOUR OF SECTION TWO HUNDRED NINE OF SUCH ARTICLE, SUBJECT TO ANY OTHER TAX REFERRED TO IN SUCH SUBDIVISION) SHALL, WITHIN SEVEN MONTHS AFTER THE CLOSE OF ITS FISCAL YEAR, SUBMIT TO THE SECRETARY OF STATE CERTAIN INFORMATION FROM SUCH CORPORATION'S TAX RETURN ON A FORM PREPARED BY THE SECRETARY OF STATE.

2. THE FORM SHALL CONTAIN: THE NAME OF THE CORPORATION AND THE STREET ADDRESS OF ITS PRINCIPAL OFFICE; ITS TOTAL GROSS PROFIT; ANY DEDUCTION OR OTHER OFFSET WHICH REDUCES INCOME SUBJECT TO TAXATION OR ANY CREDIT WHICH REDUCES THE TAX LIABILITY BY GREATER THAN FIVE PERCENT; ITS TOTAL NET TAXABLE INCOME; THE PERCENTAGE USED TO ESTABLISH WHAT PORTION OF TOTAL NET TAXABLE INCOME IS APPORTIONED TO NEW YORK STATE; ITS INCOME TAXABLE IN NEW YORK STATE; THE VALUE OF THE TANGIBLE PROPERTY OF THE CORPORATION TAXABLE IN NEW YORK STATE OR TAXABLE NET WORTH, WHICHEVER IS APPLICABLE; THE TOTAL FRANCHISE TAX (OR OTHER TAX SPECIFIED IN SUBDIVISION FOUR OF SECTION TWO HUNDRED NINE OF THIS CHAPTER) DUE TO NEW YORK STATE FOR THE TAX YEAR IN QUESTION; ITS NET INCOME ACCORDING TO ITS BOOKS REPORTED ON ITS FEDERAL TAX RETURN.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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3. ANY CORPORATION COVERED BY THIS SECTION WHICH CHOOSES TO SUPPLEMENT THE FOREGOING INFORMATION WITH ADDITIONAL INFORMATION FROM ITS CORPORATE FRANCHISE TAX RETURN MAY REQUEST, IN WRITING, OF THE SECRETARY OF STATE THAT SUCH CORPORATION BE ALLOWED TO INCLUDE ON THE FORM SUCH ADDITIONAL INFORMATION.

BY JANUARY FIFTEENTH OF EACH YEAR, THE COMMISSIONER SHALL FORWARD TO THE SECRETARY OF STATE A LIST OF ALL CORPORATIONS OBLIGATED TO FILE UNDER THIS SECTION. THE SECRETARY OF STATE MAY ASK THE COMMISSIONER WHETHER THE FORMS SUBMITTED PURSUANT TO THIS SECTION BY CERTAIN CORPORATIONS DESIGNATED BY THE SECRETARY OF STATE CONTAIN ACCURATE INFORMATION. SHOULD THE COMMISSIONER DISCOVER THAT SUCH FORMS ARE INACCURATE, HE SHALL CORRECT SUCH INACCURACIES AND REPORT SUCH CORRECTIONS TO THE SECRETARY OF STATE; PROVIDED, HOWEVER, THAT THE COMMISSIONER IN MAKING SUCH REPORT SHALL COMMUNICATE ONLY THE INFORMATION FROM THE CORPORATE FRANCHISE TAX RETURN THAT IS NECESSARY TO FULLY INFORM THE SECRETARY OF STATE OF SUCH CORRECTIONS.

4. BY MARCH FIRST OF EACH YEAR, THE SECRETARY OF STATE SHALL PUBLISH (A) ALL FORMS FILED PURSUANT TO THIS SECTION WITH THE SECRETARY OF STATE BY DECEMBER THIRTY-FIRST OF THE PREVIOUS YEAR; AND (B) A LIST OF THOSE CORPORATIONS REQUIRED TO FILE PURSUANT TO THIS SECTION BUT WHICH FOR THE MOST RECENT TAX YEAR HAVE NOT DONE SO WITHIN THE TIME LIMITS PRESCRIBED BY THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that the commissioner of taxation and finance and the secretary of state are authorized jointly and severally to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.